

USDC SCAN INDEX SHEET



MEG 7/24/98 14:26  
3:98-M - 01914 USA V. DUNCAN  
\*1\*  
\*CRCMP.\*

**FILED****CLOSED****Affidavit in Lieu of Complaint****UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA****JUL 23 1998****CLERK, U.S. DISTRICT COURT  
Magistrate's Docket No. 98mg1914  
Case No. 98mg1914**

The accused JEFFREY DUNCAN, now presented before the Honorable Louisa S. Porter, United States Magistrate Judge, for arraignment and fixing of bail, has been charged before a United States Magistrate Judge in the \_\_\_\_\_ District of South Dakota at Sioux Falls, South Dakota, on January 23, 1998, with the offense that on or about November 30, 1996, (Offense date) at \_\_\_\_\_ in violation of United States Code, (Place of offense)

Title 18, Section(s) 228, the accused \_\_\_\_\_  
 Child Support Recovery Act  
 (Brief statement of offense charged)

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and a warrant for his arrest was issued on 01/30/98.

Bond in the sum of \$5,000 unsecured bond has been recommended by an Assistant United States Attorney in the district in which the charges are pending.

DATED: 7/22/98

Louisa S. Porter  
 affiant

Special Agent, Federal Bureau of Investigation

Title

Lodged with me this 22 day of JULY, 1998, in lieu of certified copy of complaint against the accused.

Louisa S. Porter  
 United States Magistrate Judge

FILED

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JAN 30 1998

*[Signature]*  
CLERK

UNITED STATES OF AMERICA,

CR. 98-40011-01

Plaintiff,

INFORMATION

vs.

Failure to Pay Legal Child  
Support Obligations

JEFFREY C. DUNCAN,

18 U.S.C. § 228

Defendant.

The Assistant United States Attorney charges and informs the Court:

From on or about November 30, 1996, and continuing to the date of the filing of this Information at Sioux Falls, in the District of South Dakota, the defendant, Jeffrey C. Duncan, who resides in a different state with respect to his child, who resides in South Dakota, willfully and unlawfully failed to pay a past due support obligation, as ordered by the Third Judicial Circuit Court of Brookings County, South Dakota, and which obligation has remained unpaid for more than one year and is in an amount greater than \$5,000, all in violation of 18 U.S.C. § 228.

Dated this 23 day of January, 1998.

KAREN E. SCHREIER  
United States Attorney

*John J. Ulrich*  
JOHN J. ULRICH  
Assistant United States Attorney  
P.O. Box 5073  
Sioux Falls, SD 57117-5073  
(605) 330-4400

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, CR. \_\_\_\_\_

Plaintiff,

STATEMENT OF PROBABLE CAUSE

vs.

JEFFREY C. DUNCAN,

Defendant.

STATE OF SOUTH DAKOTA)  
:SS  
COUNTY OF MINNEHAHA)

The affiant, being duly sworn, states the following:

1. My name is John J. Ulrich. I am an Assistant United States Attorney with the United States Department of Justice. I have been an Assistant United States Attorney for over 20 years.

2. Due to my responsibilities as an Assistant United States Attorney, I am familiar with the Child Support Recovery Act of 1992; 18 U.S.C. § 228. I have received instruction from the Department of Justice regarding this statute.

3. The information provided in this statement is derived from my own personal knowledge and observations, and information received from the South Dakota Department of Social Services.

4. As to the charge contained in the Information, a review of the records received from the South Dakota Department of Social Services reveals that the defendant is required by law to pay child support payments for his child, who resides in the State of South Dakota. Further, the records reveal that the defendant has an arrearage in child support obligations which has remained unpaid

for longer than one year or is in an amount greater than \$5,000. Specifically, in the instant case, the South Dakota Department of Social Service's file indicates that the occupation of the defendant is construction, and that he currently resides in the state of California. As of November 30, 1996, defendant has failed to pay past due court-ordered child support, which is in arrears and which in the past had been, in part, paid for his child and was ordered by the Order dated October 20, 1994, by the Third Judicial Circuit Court, Brookings County, South Dakota. The total amount of child support arrearage is \$14,124. As of January 1, 1998, the South Dakota Department of Social Services believed that the last known address of defendant to be: 13023 Ashgate Dr., Poway, California.

5. 18 U.S.C. § 228 states that a past due child support obligation that has remained unpaid for longer than one year, or is greater than \$5,000, is punishable, in the case of a first offense, by fine and imprisonment for not more than six months and restitution. The elements of the offense regarding 18 U.S.C. § 228 require that the United States prove that the defendant:

1. Has the ability to pay;
2. Did willfully fail to pay;
3. Has a known past due (child) support obligation;
4. Said obligation has remained unpaid for longer than one year or is in an amount greater than \$5,000;
5. Said obligation is for a child who resides in another state.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 27 day of January, 1998.

KAREN E. SCHREIER  
United States Attorney

*John J. Ulrich*  
JOHN J. ULRICH  
Assistant United States Attorney  
P.O. Box 5073  
Sioux Falls, SD 57117-5073  
(605) 330-4400

Subscribed and sworn to before me  
this 23 day of January, 1998.

*Patrice Bink*  
Notary Public - South Dakota

My Commission Expires: 5-30-01

(SEAL)

**United States District Court**  
**District of South Dakota**  
**Southern Division**

UNITED STATES OF AMERICA  
v.

JEFFREY C. DUNCAN  
13023 Ashgate Dr.  
Poway, CA 92064-5830

**WARRANT FOR ARREST**

Case Number: CR98-40011-01

To: The United States Marshal  
and any authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest **JEFFREY C. DUNCAN** and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment  Information  Complaint  Order of Court  Violation Notice  Probation  Violation Petition

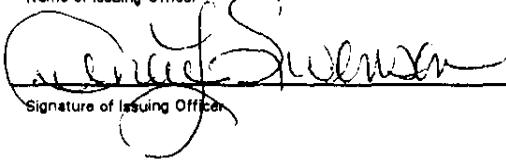
Charging him or her with

Failure to Pay Legal Child Support Obligations

in violation of 18 U.S.C. § 228

Denae L. Swenson

Name of issuing Officer



Bail fixed at \$ \_\_\_\_\_

Deputy Clerk

Title of issuing Officer

1/30/98 - Sioux Falls, SD

Date and Location

By \_\_\_\_\_

Name of Judicial Officer

**RETURN**

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

Date Received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest		

P 6/6  
**FILED**

JAN 30 1998

*[Signature]*  
CLERK

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY C. DUNCAN,

Defendant.

CR. 98-40011-01

ORDER FOR ISSUANCE OF  
WARRANT OF ARREST

The Court having reviewed the Information with attached Statement of Probable Cause, and probable cause appearing, it is hereby

ORDERED that the Clerk of Court shall issue a warrant of arrest for the defendant in the above-entitled matter.

Dated this 30 day of January, 1998.

BY THE COURT:

*Mark F. Marshall*  
MARK F. MARSHALL  
U.S. Magistrate Court Judge

ATTEST:

JOSEPH HAAS, Clerk

By *[Signature]*, Deputy

(SEAL)

Magistrate Information Sheet

1. Dis. Auth AUSA 1A. USAO # 6 Ct. # 8 Agency # 6 2. Hg. Date 8/23/98  
which 4. Mag. 5. Mat. Wit.: Cust: NO. Arraign M/W Release M/W Other  
 Del. # 1 of 1 6. Def Name: Jeffrey Duncan Soc. Sec. # 666-66-6666  
 Alias: Duncan Birth Date 12/12/66  
 Address: 123 Main Street

7. Flip? Yes No Charges \_\_\_\_\_ 8. Arrest Date \_\_\_\_\_

Penalties \_\_\_\_\_ Place of Arrest: \_\_\_\_\_  
 Agents \_\_\_\_\_ Date Committed: \_\_\_\_\_  
 Agency \_\_\_\_\_ Program Category: \_\_\_\_\_

9. Custody? Yes No 10. Citizenship? U.S. Mex. Other \_\_\_\_\_

11. INS Status: Res Rec Illegal Other \_\_\_\_\_ Prior VR's \_\_\_\_\_  
 Prior Deports: \_\_\_\_\_  
 Prior Record: \_\_\_\_\_

Drug Usage: \_\_\_\_\_ How Evidenced? \_\_\_\_\_  
 Cash on Def. \$ \_\_\_\_\_ Other Evidence \_\_\_\_\_  
 Agents Fact Summary:

Misd. Information -

Failure to Pay Legal Child  
Support Obligations  
(18 U.S.C. §228)

8/10/98  
3pm  
Magistrate  
Mark Marshall  
4000 S. Phillips Avenue  
Sioux Falls, SD  
57117

Agents Bail Info (Employment, Family, Etc.) 5/10/98 unsecured

Vehicle Seized (Describe) Mat/Wit Atty: \_\_\_\_\_

12. Def. Atty: Appd. Rtd. To Retain 13. Def. Atty. Name \_\_\_\_\_

14. Plea: Guilty Count NG Nolo 15. RCD? Yes No 16. Sent.

Can't Sent 16A. S.A. # \_\_\_\_\_ 17. Dism? Ct. Govt.

18. Next Court for \_\_\_\_\_ 19. Date \_\_\_\_\_ 20. Time \_\_\_\_\_ and for \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

21. Bond Set \_\_\_\_\_ Conditions \_\_\_\_\_

22. Pers Info \_\_\_\_\_

23. Sentencing Guidelines: \_\_\_\_\_

24. Potential Forfeitures \_\_\_\_\_

Govt Sent Recommendation: \_\_\_\_\_

Defendant's Sent Recommendation: \_\_\_\_\_

Probation Dept Recomendation: \_\_\_\_\_

Rev: 8/90# 1af (001/357-Q664 (Rose))  
South Dakota